

SAUL EWING
ARNSTEIN
& LEHR ^{LLP}

Michael Rowan
Phone: (609) 452-5029
Fax: (609) 452-6105
Michael.Rowan@saul.com
www.saul.com

September 6, 2019

VIA ELECTRONIC FILING

Hon. Michael A. Shipp, U.S.D.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *Sandhills Global, Inc. v. Garafola, et al.*
Civil Action No.: 19-cv-17225

Dear Judge Shipp:

This firm represents Defendants BidPath, Inc., BidFacts, LLC, and Marlene Greene (collectively, “Defendants”). The purpose of this letter is to request an in-person or telephonic conference with the Court to clarify a provision of its August 30, 2019 Memorandum Order denying Plaintiff Sandhills Global, Inc.’s Motion for a Temporary Restraining Order (“Order”).

In the Order, the Court directed the parties to submit a joint proposed scheduling order by September 30, 2019. We and counsel for Plaintiff met and conferred by telephone on September 6, 2019 in an effort to agree upon a schedule for expedited discovery. During that conference, Plaintiff took the position that the Order permits only it to take discovery. In other words, Plaintiff objected to any schedule that would permit Defendants (or any party other than Plaintiff¹) from serving interrogatories, document demands, or requests for admissions, or from conducting any depositions or posing questions to any witnesses Plaintiff might seek to depose.

Defendants therefore seek a conference with the Court to clarify and confirm that they also have the right to conduct discovery. Defendants’ answer to the Complaint is due September 16, 2019 and will include various defenses and potentially a counterclaim. Defendants respectfully request the right to conduct discovery that would permit them to establish their defenses and potential counterclaim.

¹ Following the issuance of the Order, Steven D. Farsiou entered an appearance for defendants Lawrence Garafola, Sr. and Lawrence Garafola, Jr.

Respectfully Submitted,

/s/ Michael Rowan
Michael Rowan

cc: All Counsel of Record (via electronic filing)